

**FULL TEXT OF LATE COMMENTS
SUPPLEMENTAL SHEET FOR REGULAR MEETING OF FEBRUARY 17, 2022
Item No. 7**

**Revision of Waste Discharge Requirements, Reissuance of National Pollutant
Discharge Elimination System Permit No. CA0047961 for San Simeon Wastewater
Treatment Plant, San Luis Obispo County, Order No. R3-2022-0003**

Prepared on February 16, 2022

**ATTACHMENT 1: FULL TEXT OF COMMENT LETTERS RECEIVED FEBRUARY 14
THROUGH 16 (BEFORE NOON), 2022**

1. Elizabeth Bettenhausen

February 14, 2022

FROM: Elizabeth Bettenhausen, Cambria, CA elizabethbettenhausen@gmail.com

TO: CA Central Coast Regional Water Quality Control Board

Re: 17 Feb. 2022 Agenda, Item 7. Consideration of Proposed Order No. R3-2022-0003,
Waste Discharge Requirements and NPDES Permit for San Simeon Wastewater
Treatment Plant, San Luis Obispo County

Honorable Public Servants:

**I request, that if you adopt a motion to approve this permit, that action comes
ONLY after first adopting a motion TO DELETE Section 6.3.6.2 Hauled Saline
Waste Monitoring (and all pertinent passages in the attachments).**

I make this request for several reasons.

1. The addition presents a new section on Hauled Saline Waste to the Permit without any justification, statement of need, goal, or community service objective.
2. The Agenda of the Board of Directors of the San Simeon Community Services District at their Special Meeting on 31 January 2022, contains this item in the Consent Agenda: "B. APPROVAL OF PROGRESS STATUS OF THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT APPLICATION." The addition of the Hauled Saline Waste program received a Summary statement in the staff description: "There is an option for the Discharger (SSCSD) to develop a hauled saline waste disposal (aka brine) program yet this is not a requirement."

The Minutes of that meeting are not yet approved. I assume the Board passed a motion worded as the title of the Item: Approval of the Progress Status of the permit application.

That is NOT explicit approval of this addition of a program for Hauled Saline Waste.

3. The term “saline waste” is not defined well in the document. What exactly is “saline waste” that might be fed into the San Simeon waste discharge and Pacific Ocean? Given the clashes these days between the climate crisis in the oceans (and all of Earth) and the human dumping of unlimited toxic crap into the oceans for narrow economic interests, the burden of proof of need sits squarely on the government bodies. But there is no proof of need here.

I could provide more reasons. Suffice it to say that this addition is

- premature,
- environmentally dangerous,
- not explicitly supported by San Simeon Community Services District,
- unfamiliar to most residents and communities nearby,
- an option with no clear need, and
- far more than the San Simeon Community Services District can take on at this time, financially and otherwise.

Thus, I repeat: **if you will adopt a motion to approve this permit, make sure that action comes ONLY after first adopting a motion TO DELETE Section 6.3.6.2 Hauled Saline Waste Monitoring (and all pertinent passages in the attachments).**

Thank you for your careful consideration and public service for this region of the California coast.

Sincerely,

Elizabeth Bettenhausen, Ph.D.

2. Cheryl McDowell

February 14, 2022

Thank you for allowing me to chime in on this issue.

The item for consideration brine discharge in the Cambria State Marine Conservation Area (SMCA) and State Marine Park SMP which is protected conditions for marine life and water quality needs to be put on pause. No studies have been looked into and the outfall has existing repairs and maintenance issues which need to be addressed.

If approved as written will only open the door for local CSD's to haul brine waste to this disposal site and destroy the protected Marine Sanctuary.

Please reconsider for the sake of our wildlife.

Thank you

Cheryl McDowell,

Cambria Residence [sic]

3. Lauren Younger

February 14, 2022

You may not make any more decisions regarding what to do with brine waste which, if put into the ocean, will affect the creatures who call the ocean home unless you have informed the public (me) of your plans and listen to our answers and make a decision that will not harm life. Lauren Younger

4. Greenspace – Cambria Land Trust

February 15, 2022

Email Text:

Good morning Leah,

Our organization was surprised to learn of Item 7. Consideration of Proposed Order No.R3-2022-0003,Waste Discharge Requirements and NPDES Permit for San Simeon Wastewater Treatment Plant, San Luis Obispo County on this coming Thursday's agenda, February 17. We received multiple communications from our local Greenspace members (approx. 1,000 members) to request that this item be removed from the agenda.

This item should be removed from the uncontested items calendar. Adding brine waste to the protected areas is controversial and unnecessary to the continued operation of the San Simeon Outfall. WE ask that the item be continued to a subsequent Board meeting to allow input by interested persons and to allow time for our organization to communicate with agencies that should be overseeing this proposal.

Would you please forward the correspondence mentioned in your staff report from the CA Coastal Commission, CA Fish and Wildlife, US Fish and Wildlife, CA State Parks, MBNMS, and US EPA? These items were not included in the staff report on the website. Also I did not find meeting minutes whereby the San Simeon Community Services District or the Cambria CSD requested, discussed or approved of this item.

Please include the attached letter in your correspondence and thank you for the opportunity to comment.Thank you,

Mary Webb

Attached Letter:

RE: Consideration of Proposed Order No. R3-2022-0003, Waste Discharge Requirements and NPDES Permit for San Simeon Wastewater Treatment Plant, San Luis Obispo County

Greenspace was an active advocate for the establishment of CA Marine Protected Areas for the Central Coast region which resulted in the creation of the Cambria State Marine Conservation Area (SMCA) and State Marine Park (SMP) and White Rock Conservation Area in 2007.

We've recently learned of a proposal to allow the hauling and disposal of brine waste from surrounding areas to the San Simeon ocean outfall, which needs repair and most likely too short to adequately allow brine waste to disperse. Greenspace does not support the use of ocean intake or outfall structures, brine disposal and commercial extraction in protected areas.

These areas have been set aside as areas for habitat protection and ecosystem based management of species. Excellent water quality and resource protection is an essential element to the ongoing survival of species of concern in these special areas under protection.

Local projects should require multi-agency review and analysis from regulatory agencies including the CA Coastal Commission, CA State Parks, US Fish and Wildlife, CA Fish and Wildlife, National Marine Fisheries, CA State Lands Commission and the Monterey Bay National Marine Sanctuary so that these agencies can provide their expert analysis of project impacts and required mitigation.

Although Greenspace has attended many meetings and submitted comments to agencies regarding projects that impact our area, we were not informed of this new proposal until today. We understand the meeting is on February 17 and 18, 2022. Our organization would appreciate notification of actions that are taking place in the North Coast of SLO County, especially our protected areas in order to participate in decisions that are being made. Thank you for the opportunity to comment,

Sincerely, Greenspace Board of Directors

5. Christine Heinrichs

February 15, 2022

Re: Revision of Waste Discharge Requirements, Reissuance of National Pollutant Discharge Elimination System Permit No. CA00477961 for San Simeon Wastewater Treatment Plant, San Luis Obispo County, Order No. R3-2022-0003

To the RWQCB:

This permit change to allow the San Simeon CSD to develop a hauled saline waste program, to dispose of such waste through its ocean outfall, raises many questions. Points raised by the California Department of Fish and Wildlife and the Coastal Commission are welcome scrutiny. The staff response to include a detailed biological resources assessment, and ascertain how the hauled saline waste will be treated, and how it will fluctuate over time, may answer some questions, but disposing of additional waste through this ocean outfall pipe is a dubious idea at best.

Although Cambria and its EW/SWF/WRF are not mentioned, that's the obvious reason for this permit change request. Because San Simeon's neighboring community is directly affected, this change should have been publicized to Cambria.

The ocean is not a sewer into which we can continue to dispose of waste. This particular section of the ocean is within the Monterey Bay National Marine Sanctuary, the Cambria State Marine Conservation Area/State Marine Park, a California Marine Protected Area. Increasing waste disposal of any kind in it is unacceptable.

The SSWWTP is under Coastal Commission order to be moved to a location inland to reduce the risks associated with a WWTP located, as it currently is, so close to the ocean. As part of that order, the ocean outfall should be eliminated. Seeking a permit to allow for more waste to be discharged is indefensible.

The ocean outfall line itself has a troubled history. The Coastal Commission required an assessment of the outfall line in 2020, "from the WWTP connection point to the outfall line's termination point in the ocean to assess whether the outfall is leaking or is in danger of leaking or having any type of failure." Staff Report Th13b, <https://documents.coastal.ca.gov/reports/2019/7/Th13b/Th13b-7-2019-report.pdf> Please make the report on the integrity of the pipeline available.

Comments from MBNMS and California State Parks should be included, even if that means stating that they had no comment to make.

I ask this item be tabled until further information and reports are available.

This permit discharge change came to my attention only a few days ago. I appreciate your willingness to accept my comments, even though they are submitted past the public comment period.

Thank you.

Christine Heinrichs

6. Tina Dickason

February 15, 2022

Re: Agenda Item 7, February 17, 2022

Consideration of Proposed Order No. R3-2022-0003, Waste Discharge Requirements and NPDES Permit for San Simeon Wastewater Treatment Plant

To: President Jean-Pierre Wolff and members of the CCRWQCB.

I am requesting that when a motion is made on Agenda Item 7, an amendment be made to DELETE Change #2, "Hauled Saline Waste Disposal Program," (found on p.3 of the report), from "Changes to the Existing Order."

I am making this request partially based on my review of the San Simeon Community Services District's (SSCSD) Special Board meeting, January 31, 2022. In addressing the SSCSD NPDES reissuance agenda item, several comments were made at the meeting, that leave me questioning why the Regional Board is even taking this particular "change" into consideration? In Staff's *Summary*, p.1, paragraph 2, which was included in the agenda for the SSCSD meeting of Jan. 31, 2022 (see attached), I noticed the following language: *"There is an option for the Discharger (SSCSD) to develop a hauled saline waste disposal (aka brine) program **yet this is not a requirement.**"* (bold enhanced)

For a clearer understanding of what I am referring to, I have transcribed comments that were made when the NPDES item was addressed at San Simeon's Special Meeting of the Board, January 31, 2022.

A link is provided here for your convenience-

- <https://drive.google.com/file/d/1R3HkZegWrfvTrVEtcoPm9AvPWP-n6vJq/view>

The NPDES item starts soon after the meeting commences and continues for approx. 8 minutes.

One member of the community gave public comment prior to Board discussion--(2:15 into the video).

SSCSD Director Donahue directed a question to General Manager, Charlie Grace (4:30 into the video). Here is a transcription of his comments and those that followed from Board President, Gwen Kellas and General Manager, Charlie Grace.

Director Donahue:

"This is uh, directed to Charlie, um, he talked about the possibility of networking or a liaison with Cambria, to uh, deal with their brine brackish water that they discharge from their desal plant. Eh, is this something that we could get at least permission to add to the discharge at this time, with the idea that we could be a standby source for discharging excess brackish water from their desal plant, keeping in mind they have not used their desal plant in many, many, years--so if they need to...? Anyway, Charlie, could you address that a little bit?"

President Kellas responds to Director Donahue's comments:

"Charlie, may I just address that for you?" (Charlie did not respond)

President Kellas continues: ***"Director Donahue, this was brought to the Board sometime back and it was voted on quite clearly a couple of times not to accept their brine coming through to us."***

President Kellas: ***"Charlie if you want to add anything to that, please feel free."***

General Manager, Charlie Grace: ***"No, I have nothing to add."***

As a member of the Cambria community, I am taken aback that Cambrians (with the exception of Cindy Steidel, who was President of the Cambria CSD Board on Dec. 6, 2021, and was cc'd. in the list of stakeholders in the letter sent to the SSCSD on Dec. 6, 2021, from the Regional Board), have not been informed of this proposed change to SSCSDS' NPDES by the Regional Board. Clearly, the comments made by SSCSD Director Donahue, indicate that dialog had taken place related to the possibility of Cambria disposing of brine waste through SSCSD's outfall. While Cambria isn't mentioned in the Regional Board's report, it would appear that Cambria, *without* being mentioned, is the focus of this particular "change" in the permit. What other agency would have an interest in hauling brine waste to San Simeon? Please be aware, that the Cambria CSD still remains without a regular CDP, for their EWS/SWF/WRF facility that was built in 2014. Their CDP application to the County remains "on hold."

Another area in the report that raises a question relates to the current NPDES permit's limit of 200,000 gpd and the ratio of wastewater to brine waste for the purposes of dilution. How would SSCSD be able to generate sufficient wastewater for dilution requirements? In reading through some of the technical aspects, I came across language that addresses this:

"4.1.4. Discharge Prohibition 3.4 **(The discharge of effluent without a dilution of 115:1 is prohibited)** This prohibition is based on the reported minimum initial dilution for the Discharger's outfall and is necessary to ensure that the water quality-based effluent limitations that have been calculated based on the available dilution of 115:1 (seawater to effluent) are protective of water quality." (bold enhanced)

San Simeon CSD declared a building moratorium in 1986, which they are currently addressing by having a UWMP assessment, as well as an Instream Flow Study, which is currently being conducted. These two studies will determine whether the District has enough water for future development, specifically, for the 11 placeholders on their Water Wait List. I believe the Regional Board should take this into consideration before voting to approve a Hauled Saline Waste Disposal Program for the SSCSD.

In summary, I do not believe a thorough analysis was conducted by the Regional Board on this agenda item. I also question why the Regional Board would be pursuing a Hauled Saline Waste Disposal Program when it would appear the SSCSD Board is

opposed to brine waste coming from the most likely agency, Cambria, to dispose of brine waste through San Simeon's outfall. Further, it is highly unlikely that the required study to be provided to the Executive Officer of the RWQCB will be completed by the June 2022 deadline, even with possible extensions beyond that date.

I concur with comments made by CF&W and the Coastal Commission, placing more harmful impacts into a protected Marine Sanctuary and the Cambria Marine Park. This is not a forward-thinking solution.

Thank you for this opportunity to comment.

Respectfully, Tina Dickason

Attached to this letter was an excerpt of the Consent Agenda Staff Report for the San Simeon Community Services District meeting that took place on January 31, 2022 and the December 6, 2022 letter notifying the San Simeon Community Services District general manager of the availability of Draft Order No. R3-2022-0003. Contact Water Board staff to obtain a copy of these documents.

7. Cambria Fishing Club

February 15, 2022

RE: Consideration of Proposed Order No.R3-2022-0003,Waste Discharge Requirements and NPDES Permit for San Simeon Wastewater Treatment Plant, San Luis Obispo County

Leah Lemoine,

The central coast of California is home to one of the oldest continuously operating fishing clubs in the state. The Cambria Fishing Club (cambriafishingclub.com) has long championed scientifically guided recreational harvest of rockfish. The Club has participated as a stakeholder in various state initiatives to help towards the goal of seeing this sport continue. We are proud to have played a part in the creation of marine protected areas (MPA's) along this section of California's coast, through implementation of the Marine Life Protection Act (MLPA) in 2007, and the protections to nearshore stocks in the Nearshore Fishery Management Plan in the late 1990's. These efforts and those of many like minded anglers resulted in the creation of the Cambria State Marine Conservation Area. This designation carries with it the explicit goal of providing increased recreational angling activities to California residents and visitors. The natural protected cove in Cambria allows small craft, such as kayaks or small aluminum boats, to safely launch. The state seemed to like the idea and adopted the area as one of its only state Marine Parks. The park spans Cambria and San Simeon California. It has been in continuous use since that time as have the adjacent campgrounds, picnic areas and restroom facilities.

The relatively clean waters of the California current flow down the state hitting the many rocky points that break up our coast. The point at Piedras Blancas sets up a long eddy

of current along the stretch of coast adjacent to it. This nutrient rich planktonic stew also carries the juvenile larvae of many species that are popular sport on the central coast. These larvae settle in and along our unique kelp forests and replenish the nearshore with fish, invertebrates, and algae.

The goal of maintaining the sport of saltwater rock fishing is one our Club holds dear; the local access is unique and it is free. No launch fees, just a license. The fishing is good and anglers have a decent chance of bagging a limit of rockfish. Cambria's 6,200 population and San Simeon's population is a drop in the bucket compared to tourism. It has been estimated that Hearst Castle attracted over one million tourists to the area; the annual migration of elephant seals and their haul out on local beaches has out shined the castle on the hill. More than a million visitors come to see the seals. Many stay at local campgrounds, eat at restaurants or stay in a hotel.

One wonders why a small town like San Simeon would even consider taking on the waste water brine discharge from a neighboring town; the impacts of San Simeon's current discharge are unknown. Would adding discharge from a town twelve times bigger produce a change? To find out, baseline biological studies need to be implemented and the difficult process of collecting comprehensive biological information begun. This type of activity needs to be funded and carried out for several years. The local California Collaborative Fishery Research Project, run through Cal Poly San Luis Obispo, has spent more than a decade doing such research at nearby Piedras Blancas State Marine Reserve. Their protocols have been rigorously reviewed and held up to scientific scrutiny. Their recently released Decadal Management Review highlights the progress local reserves have made. Conclusions include more fish, bigger fish, and greater diversity of species.

This trend of rebuilding depleted local fish stocks is producing positive results in the face of threats from climate change and offers locations (MPA's) where oceanographic changes can be sorted from anthropologic changes, such as changes in fishing effort.

Obviously the proposed increase in discharges does not benefit any creature in the ocean and may harm them. The inadequate dispersion of saturated brine solutions near shore will allow concentrations to rise and allow chemical constituents to settle on the ocean floor. The simple minded phrase "dilution is the solution" adds nothing to preserve our way of life and the rich ecosystems along the central coast.

Please curtail this thinly veiled attempt to satisfy a thirst that out distances our resources. Elephant seals are fighting their way back from near extinction, red abalone, black abalone, Pismo clams are beginning to increase in numbers. Eagles and falcons can now be seen along our coast. Please help us move forward towards a more sustainable future.

Thank you,

Michael Verlangieri President

Cambria Fishing Club

8. Ted Key

February 15, 2022

Re: 2/17/22 Agenda Item 7, Draft Order R3-2022-00003

Dr. Wolfe and CCRWQCB Members:

It was with complete surprise to see Draft Order R3-2022-0003 placed on your February 17 meeting agenda. I want to express my complete disapproval of allowing haulers to bring concentrated RO brine, including its associated chemicals, to San Simeon for discharge through their WWTP outflow into the Monterey Marine Sanctuary.

Some history: several years ago I spoke at a RWQCB meeting in Monterey regarding the failed brine evaporation system that was supposed to concentrate the RO brine from Cambria's Emergency Supply RO plant. Due to high coastal humidity, the pond failed to evaporate the RO brine, and the brine then catastrophically overflowed during a flood event. At that time, the district was in dire need of disposing of the accumulated brine concentrate that was a clear danger to the aquifer beneath the structurally compromised pond. Expressing serious concern, the board allowed Cambria Community Services to dilute the RO brine with WWTP effluent and carry out ocean discharge as an emergency measure. Jon Rokke told me directly this was a "one-time deal only." The Board President said in that meeting that "had they known what a mess the Cambria Community Services District desal project was going to be, they would never have allowed it." The evaporation pond was slowly emptied and remains decommissioned.

I bring up Cambria because they're the only reasonable user that would bring brine waste to San Simeon for outfall. Who else would pay for expensive trucking of brine all the way up the coast? Therefore, the current effort certainly appears to me to be a backdoor way to help Cambria do the very same thing, but on an ongoing basis – dispose of its RO brine via an ocean outfall.

For eight years now, Cambria has continued to pursue a regular CDP for the now thrice renamed Water Reclamation Facility with the application remaining at 15% completion, still unable to meet Coastal Commission's requirements. Under its current emergency status, the trucking of its RO brine during stage 5 droughts must be disposed of either at the Oceano outfall or inland at the Kettelman City waste plant.

Allowing this substantial additional RO brine discharge from Cambria (up to 50,000 GPD of high TDS brine, including antiscalants, biocides, and other chemicals) at San Simeon, in addition to their own brine from their own current small desal system, would be a complete reversal of the concern expressed by the board in the past.

I totally agree with Senior Environmental Scientist Dr. Tom Luster's concerns - in summary:

- That these types of discharges require detailed and thorough assessments to ensure the protection of marine life and water quality, as this discharge would be within the Cambria State Marine Conservation Area ("SMCA") and State Marine Park ("SMP"), a dual designation that establishes relatively stringent protective conditions for marine life and water quality
- Outfall requirements for RO brine have grown substantially more sophisticated over the last few years as more detailed studies have been published detailing the necessary engineering care that needs to be taken when designing diffusion outfalls for RO brine in order to sufficiently protect marine life. It is highly unlikely that the current San Simeon outfall comes anywhere near meeting current standards for ocean outfall design, particularly considering that Cambria's brine discharge could be up to 50,000 GPD – a huge number when compared to San Simeon's current total effluent discharge of well under 90,000 GPD
- Regional Board staff are previously aware of existing outfall repair and maintenance issues at San Simeon - including areas with gaps between the pipe and the underlying sediment - increasing the potential for breaks, spills, or unanticipated releases
- That prior to treatment and disposal of hauled brine waste, the applicant submit a study for Executive Officer review that describes the characteristics of the waste and how it will be treated and included in the treatment facility's waste stream
- That the Order requires the applicant to provide a copy of the study to the Monterey Bay National Marine Sanctuary
- If the Order allows treatment of hauled brine waste and if it is determined by California Fish and Wildlife to be allowable within the SMCA and SMP, the Order also requires:
 1. That the applicant provide a copy of the study to Coastal Commission staff and
 2. That the Executive Officer's study incorporates any concerns of the Coastal Commission and other involved agencies

Additionally, I happen to directly know that there are now far better solutions available to handle the brine from the Cambria RO facility – solutions that would recover all the water in their RO brine and get it to Zero Liquid Discharge, securing the future of the facility while significantly adding to the local groundwater supply – all by eliminating the brine as a disposal issue. For example, Ventura County just added a project to their Groundwater Sustainability Plan for the Pleasant Valley Basin. They have designated this project as one that will create new water supplies under the SGMA framework as it will recover 99% of the water in 325 AFY of RO brine currently being generated at an Indoor Grow Facility in Camarillo. This project will use breakthrough technology that has been developed by two of the members of the National Alliance for Water Innovation - <https://www.nawihub.org/about/> NAWI is a 5-year, \$110M research program supported by the U.S. Department of Energy in partnership with the California

Department of Water Resources, the California State Water Resources Control Board, and numerous industry and academic partners – all working to develop a portfolio of new technologies capable of treating 90% of nontraditional water sources at favorable price points.

The Ventura project is one of several being developed by Global Water Innovations (GWI). GWI was a founding industry partner of NAWI four years ago and is working closely with multiple researchers and companies within the NAWI community to bring their technologies to commercial status. I just introduced the CEO of GWI to the Cambria CCSD team, because the company is ready to pilot a ZLD solution in Cambria for their RO brine, and believes that Cambria might be eligible for a new grant just announced by NAWI for such a pilot. I urge you to familiarize yourselves with these new possibilities at www.GlobalWaterInnovations.org. While initially targeted at water issues in the agricultural community, these new technologies offer the very real possibility of eliminating all effluent and waste discharge via ocean outfall in California.

It is time to start viewing all our coastal RO brine discharges and WWTP effluent as the new water supplies that California so needs to secure our future. Please do not open the door for more RO brine to be discharged into Monterey Marine Sanctuary when there is no longer a justifiable reason to do so.

Please delete change 2 of the revision order for Item 7.

Thank You

Ted Key

9. Herb Stroh

February 16, 2022

Dear Sir or Madam—

I wish to comment on Item 7, Revision of Waste Discharge Requirements, and specifically paragraph #2 of the changes from the existing order. Paragraph 2 would allow for “the development of a hauled saline waste program that will allow the Facility to accept and discharge concentrates from waste filtration systems through the ocean outfall Discharge Point 001.”

I am opposed to this change, as it would increase brine discharge into the already threatened Marine Sanctuary. It does not appear that any studies have considered the effects of this proposed change. Such a critical issue requires greater scrutiny than what is being given to this important issue. I am also aware of the concerns raised by the California Coastal Commission and California Fish and Wildlife.

Finally, hauling brine to the San Simeon plant will certainly involve trucking these hazardous substances through my home town of Cambria. We are a small town with limited emergency services and escape routes. The increased risk to our town should not be ignored. Approval of this item as "noncontested" ignores local concerns and feels like an attempt to avoid transparency.

Thanks for considering my comments.

Herb Stroh